



Judgment

22 apl238.25

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION APL NO.238/2025

1. Chetan Gajanan Bhoyar, (husband),
age: 31 years, occupation: service,
r/o Sambhaji Nagar, Gokul Colony,
Manora, taluka Manora, district Washim
444 404.
2. Gajanan Atmaram Bhoyar, (father-in-law),
age: 57 years, occupation: farmer,
r/o at Shelgao, taluka Mangrulpir,
district Washim – 444 403.
3. Maya Gajanan Bhoyar (Mother-in-law)
age: 54, occupation: housewife,
r/o at Shelgao, taluka Mangrulpir,
district Washim – 444403.
4. Bhushan Gajanan Bhoyar (Brother-in-law)
age: 26 years, occupation: serving in army,
presently posted at 426, Field Hospital,
r/o c/o 56 APO, Qtr.No.P-203/15, BD
Bari MIL Station, 56 APO.
5. Shivani Bhushan Bhoyar (Wife of Brother-
in-law).
Age: 24 years, occupation: housewife.
r/o Qtr.No.P-203/15, BD Bari MIL
Station, 56 APO.
6. Rina Anil Ekade, (Sister-in-law)
age: 29 years, occupation: housewife,

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r/o Godegaon, post Bhat Umara,
Gondegaon, district Washim - 444 505.

7. Dhananjay Ajabrao Kakad, (Maternal-uncle
uncle of husband of complainant),
age: 49 years, occupation: farmer,
r/o Sarad Nagar, Shivar, Akola,
taluka and district Akola-444 104. Applicants.

:: VERSUS ::

1. The State of Maharashtra,
through the Police Station Officer,
Police Station Khadan, Akola,
taluka Akola, district Akola.

2. Komal Chetan Bhoyar, (complainant)
age:30 years, occupation: housewife,
r/o c/o Santosh Vishwanath Mate,
Moreshwar Complex, Kothari Watika No.3,
Malkapur, taluka and district Akola-
444 004. Non-applicants.

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Shri K.P.Mahalle, Counsel for Applicants.
Shri N.B.Jawade, APP for the NA No.1/State.
None for NA No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATE : 16/02/2026

ORAL JUDGMENT

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1. Heard learned counsel for applicants and learned APP for non-applicant/State. None appears for non-applicant No.2 (the complainant). **Admit.** Heard finally by consent.

2. By this application, applicants are seeking quashing of FIR in connection with Crime No.99/2025 registered for offences under Sections 498A, 323, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.112/2025 and RCC No.649/2025.

3. The crime is registered on the basis of a report lodged by the complainant on allegations that her marriage was performed with applicant No.1 on 23.1.2021 and she is having one daughter from the said wedlock. It is alleged by her that after the marriage, for some days, applicant No.1 treated her well. However, thereafter, he started ill-treating her by taunting her that less dowry is given in the marriage and was abusing her and assaulting her physically. It is

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further alleged by her that her in-laws were also telling her that she has brought less dowry in the marriage and they were not respected properly in the marriage and on the instigation of sister also, applicant No.1 was ill-treating her, due to which she was constrained to leave the matrimonial house and lodged the FIR.

4. Learned counsel for applicants submitted that merely because dispute arose between the husband and wife, this FIR came to be lodged. There is no specific allegation even against applicant No.1 as far as ill-treatment is concerned. On the basis of general, vague, and omnibus allegations, applicants are implicated in the alleged offence.

He has invited my attention towards recital of the FIR and submitted that no specific instances are narrated as to the ill-treatment and, therefore, no *prima facie* case made out against applicants.

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5. *Per contra*, learned APP for the State has strongly opposed the said contentions on the ground that against the husband, there are specific allegations and the other applicants were instigating applicant No.1 and on that count, there was ill-treatment at the hands of applicant No.1. In view of that, the application deserves to be rejected.

6. On hearing both sides and perusing the entire investigation papers, especially recital of the FIR, it reveals that as far as applicant No.1 is concerned, against whom the specific allegations are levelled as to physical and mental harassment.

7. As far as applicant Nos.2 to 7 are concerned, against whom general allegations are levelled merely because they are relatives of the husband.

8. Mere reference of names of other relatives without assigning any specific role or specific instance is not sufficient to attract the offence under Section 498A of the IPC.

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9. In view of that, the application deserves to be allowed partly. Hence, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed partly**.

(2) FIR in connection with Crime No.99/2025 registered for offences under Sections 498A, 323, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.112/2025 and RCC No.649/2025 are hereby quashed and set aside to the extent of applicant Nos.2 to 7.

(3) The criminal application in respect of applicant No.1 Chetan Gajanan Bhoyar is **rejected**.

Application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)